

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6946**

**BILL NUMBER:** SB 342

**NOTE PREPARED:** May 1, 2009

**BILL AMENDED:** Apr 29, 2009

**SUBJECT:** Compensation for Victims of Violent Crimes.

**FIRST AUTHOR:** Sen. Becker

**FIRST SPONSOR:** Rep. C. Lawson

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:**     **GENERAL**

**X DEDICATED**

**X FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

*Funeral, Burial, or Cremation Expenses* – It allows the Indiana Criminal Justice Institute (CJI) to pay funeral, burial, or cremation expenses from the Violent Crime Victims Compensation Fund for the victims of certain crimes involving motor vehicle accidents. It allows the CJI to pay funeral, burial, or cremation expenses from the fund regardless of whether the victim was married. (Current law allows the payment only if the victim was unmarried.) It increases from \$4,000 to \$5,000 the maximum amount of expenses for which the CJI may compensate a claimant from the fund for the funeral, burial, or cremation of a victim.

*Deadline for Reporting Certain Crimes* – It provides that the CJI may award compensation from the fund in connection with a violent crime if the violent crime was reported to a law enforcement officer not more than 72 hours after the occurrence of the crime. (Under current law, the time limit is 48 hours.)

*Eligible Time Period for Medical and Hospital Services* – It provides that expenses for necessary medical and hospital services and prescription drugs must be incurred within 180 days after the crime to be compensable from the fund, but that an extension of the 180-day period may be granted under certain circumstances.

*Outpatient Mental Health Counseling* – It allows the CJI to compensate a crime victim for up to \$3,000 of the cost of outpatient mental health counseling related to the crime.

*Mandatory Reporting of Sex Crimes to be Eligible for State Assistance* – It removes provisions requiring a sex crime victim to cooperate with law enforcement.

*Wrongful Death or Injury* – It specifies that the law concerning the wrongful death or injury of a child: (1) does not apply to a legally performed abortion; and (2) applies to a fetus that has attained viability. It provides that the law concerning the wrongful death or injury of a child does not affect or supersede any other right, remedy, or defense provided by any other law

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Funeral, Burial, or Cremation Expenses* – The added costs from increasing the maximum allowance is currently indeterminable but within current budget. For the 12 months between October 1, 2007, and September 30, 2008 (Federal Fiscal Year 2008), CJI paid \$50,325 in funeral and burial expenses. Due to software limitations, CJI cannot track the number of victims compensated for funeral expenses. CJI reports that it has, in the past, paid for funeral and burial expenses for married persons and persons who were killed in operating while intoxicated (OWI) incidents using the discretion it has under current statute. This statutory language will reflect current practice.

*Outpatient Mental Health Counseling* – CJI reports that it does not pay for inpatient mental health services for violent crime victims. This language will clarify what types of services that CJI pays. CJI reports that during FFY 2008, it paid \$1,746 for mental health counseling for violent crime victims and in excess of \$4,056 for sex crime victims. The number of victims served was not known.

**Background**– CJI pays for medical services and reimbursement of expenses for victims of violent crimes out of federal monies that it receives through the Victims of Crime Act (VOCA). It pays for services for sex crime victims from state monies. For FY 2008, CJI paid \$432,170 for medical expenses for victims of violent crime and reimbursed victims for \$90,121. During FY 2008, it paid \$4.3 M for victims of sex crimes.

**Explanation of State Revenues:** Federal monies from VOCA grants could be in jeopardy if changes to the laws concerning reporting crimes to law enforcement agencies is not changed. Indiana received \$581,000 for FFY 2009. The two changes described below are proposed to keep Indiana in compliance.

*(1) Deadline for Reporting Certain Crimes* – VOCA mandates a 72-hour reporting period to law enforcement agencies. Indiana's law is 48 hours. Changing this deadline will allow Indiana to comply with VOCA.

*(2) Mandatory Reporting of Sex Crimes to be Eligible for State Assistance* – VOCA mandates that alleged sex crime victims do not have to report the crime to law enforcement in order to receive treatment. Under current Indiana law, sex crime victims must cooperate with law enforcement to be eligible for additional forensic services (IC 5-2-6.1-39). [CJI reports that it currently pays for the costs of both the forensic medical exam and additional forensic services. CJI reports that it reimburses hospitals and health care centers \$1,650 on average for both the forensic medical exam and additional forensic services.]

*Wrongful Death or Injury* – If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

*Background on Forensic Exams and Services*— The costs of a forensic medical exam include a rape kit, suturing, anesthesia, and any prescribed medications (IC 16-18-2-139.5). Additional forensic services include pregnancy and sexually transmitted disease testing; prophylactic medication related to pregnancy; pregnancy testing; sexually transmitted disease testing; alcohol and drug testing; syphilis testing up to 90 days after the alleged sex crime; pregnancy testing up to 30 days after an alleged sex crime; and mental health counseling (IC 16-18-2-1.8).

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Wrongful Death or Injury* – If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

**State Agencies Affected:** CJI.

**Local Agencies Affected:** Local law enforcement agencies, trial courts.

**Information Sources:** David Stewart, Sandra Warren, William Lantz, CJI; Auditor of State Data Base for Accounts 3180/150000 (State Funding) and 3680/114920 (Federal Funding).

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.